



**VILLAGE OF WESTMONT
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

MEETING DATE: July 13, 2016

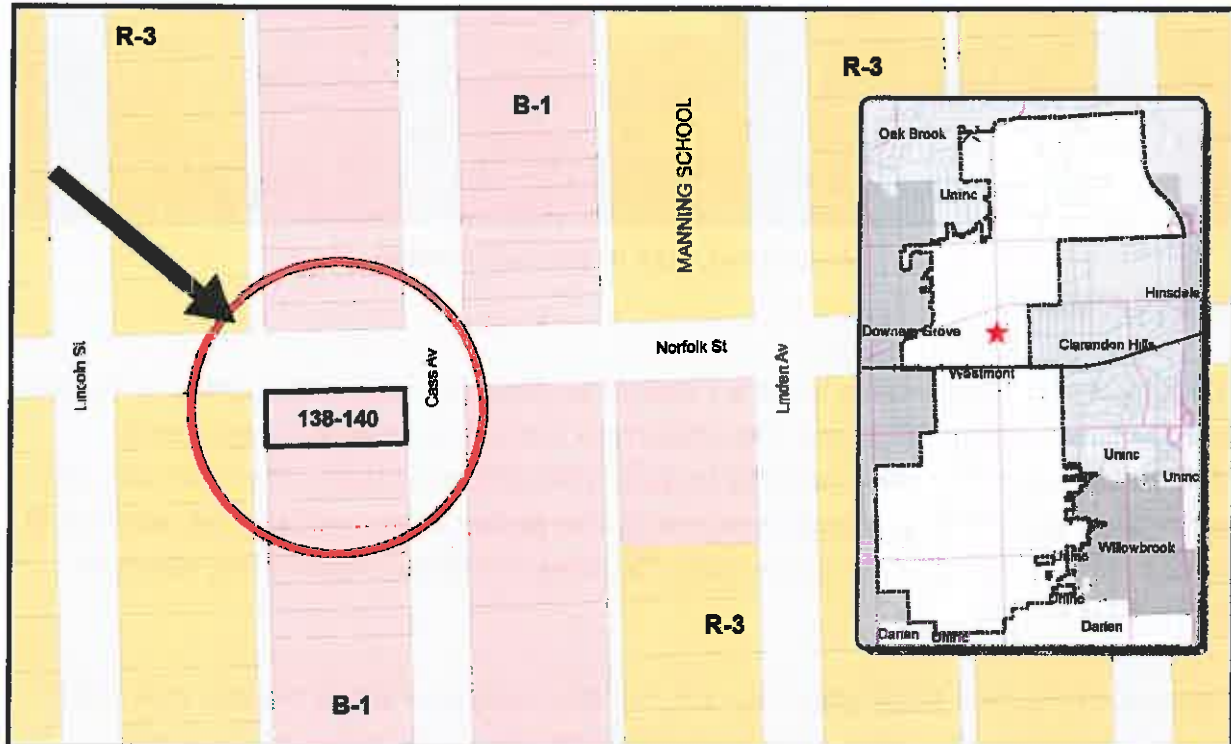
P/Z 16-015

TITLE: McLean Family Trust regarding the property located at 138 North Cass Avenue, Westmont, IL 60559 for the following:

(A) Special Use Permit request to operate a business office on the ground floor in the B-1 Limited Business District.

BACKGROUND OF ITEM

The subject lot is located on the southwest corner of Norfolk Street and North Cass Avenue. It is known as Lots 1 and 2 in Arthur T. McIntosh and Company's Fairmont Heights Subdivision, which was recorded on September 22, 1920.



Zoning Map - 138 North Cass Avenue

A Special Use permit is required for companies to operate ground floor offices that are larger than 1,000 square feet in the B-1 District. The applicant seeks approval of a Special Use permit in order to operate an office that manages large residential complexes on the ground floor of an existing downtown building.



Aerial Map - 138 North Cass Avenue

ZONING ANALYSIS

The subject property is located in the B-1 Limited Business District, and properties to the north, south and east are similarly zoned. The property to the west is zoned R-3 Single Family Residential District. The office would be located in the unit to the south. The north unit, 140 North Cass Avenue, was previously occupied by Blue Beaker, a yarn and gift shop, which went out of business at the beginning of the year. There are residential tenants living above the storefronts.

Appendix "A", Section 7.03(A)(95a) requires that all ground floor offices (greater than 1,000 square feet) proposed in the B-1 Limited Business District receive a special use permit. There are no special conditions associated with this Special Use permit request, and the office appears to meet all the Special Use standards, which are:

Standards. A proposed special use shall substantially meet the following standards in order to obtain the recommendation of the planning and zoning commission and approval of the board of trustees:

- (1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

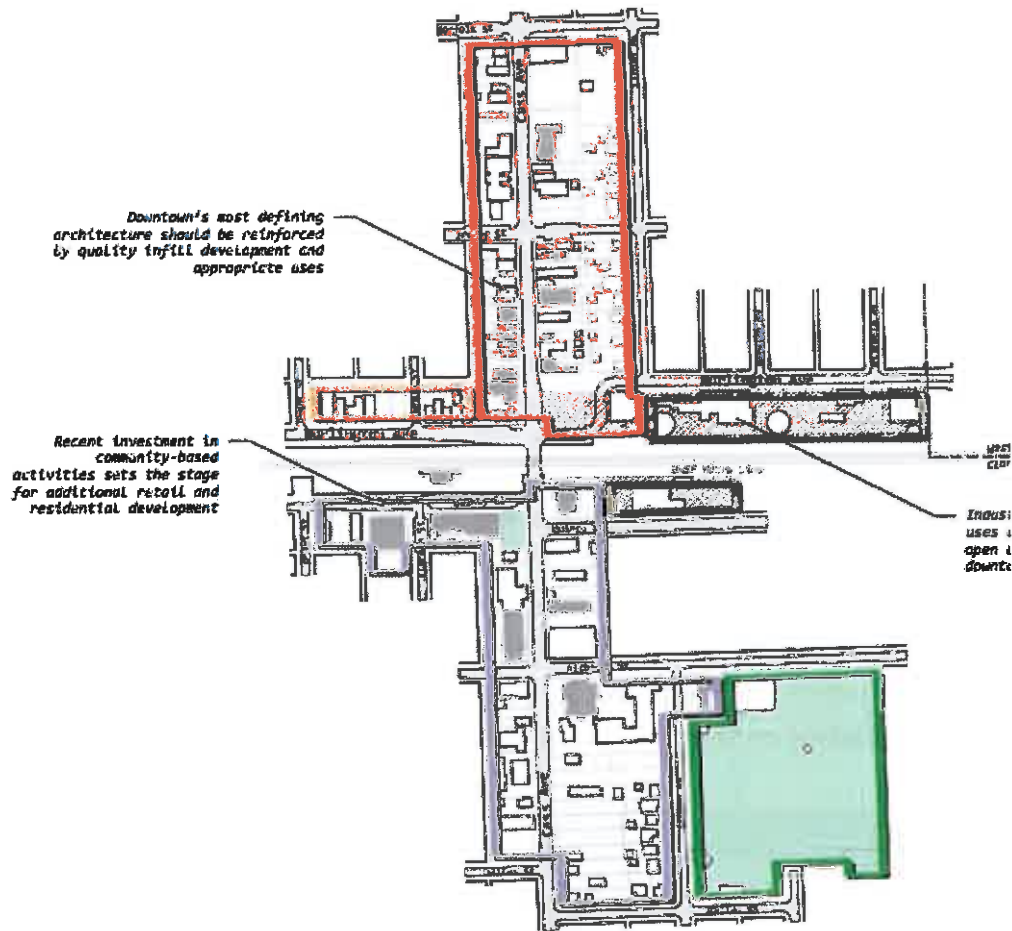
PARKING ANALYSIS

The tenant space for the proposed office measures approximately 1,155 square feet. Per Appendix A, Article X, Section 10.06(K)(4)(e)(10), "Business, professional and public administration or service office buildings" require one parking space per 275 square feet. By code, four parking spaces are required. There do not appear to be any parking issues which would result from an office opening at this location, with the existing gravel lot behind the building and public parking on Norfolk Street to the north. The tenant space has been vacant for several years.



138 North Cass Avenue - gravel parking lot at rear and adjacent on-street parking

The proposed office is located in the **Central Business District TIF District**, and the building is not currently planned for redevelopment. The proposed use is located within the **Comprehensive Plan** designated Mixed Use Core of the Central Business District, which the Comprehensive Plan denotes as an area on which specialty retail, pedestrian-intensive services, and restaurants should be focused. Offices are not considered a retail use, and the primary function of the business does not contribute to the retail sales tax base.



Downtown Land Use Framework

- | | |
|-----------------|-----------------------|
| Mixed Use Core | Community Open Space |
| Civic Core | Opportunity Sites |
| Burlington West | Distinct Architecture |
| Burlington East | |



138 (left) and 140 (right) North Cass Avenue vacant storefronts

SUMMARY

A Special Use permit is required for all ground floor offices greater than 1,000 square feet in the B-1 Limited Business District. While the Village's desire is to situate restaurants and retail businesses within the Central Business District, the proposed occupancy is a small space which has been vacant for several years.

DOCUMENTS ATTACHED

1. Publication notice appearing in the June 29, 2016 edition of the Westmont Progress.
2. Application for public hearing dated June 03, 2016, and associated attachments.
 - a. Summary memo, submitted by Clifford Osborn, dated June 03, 2106.
 - b. Statement addressing Special Use standards, undated.
 - c. Floor plan sketch, undated.
 - d. Aerial maps, undated.

The Village of Westmont
Community Development Department
31 West Quincy Street
Westmont, Illinois 60559
June 3, 2016

Application for a Special Use:
Location: 138 N. Cass Avenue
Westmont, Illinois 60559

Summary:

The two story brick structure located at 138-140 N. Cass Avenue, as presently configured, has two commercial spaces on the first floor and two residential apartments on the second floor. Both residential spaces are presently leased; the 140 N. Cass Avenue space was leased and occupied through December, 2015, but the store closed for lack of trade. The 138 N. Cass commercial space has been vacant since 2012, despite on-going active efforts to find a retail tenant.

The building has been owned by a knowledgeable business owner since 1994, and the ownership interest has been represented by a Trust since that time.

A family member of the Principal ownership would like to open a Business Office in the 138 space. The primary function of business activity which would take place in 138 has to do with the management of large-size residential complexes.

The switch from "retail" use to "business office" use requires a Special Use.

The attached material is submitted to the Village of Westmont to facilitate this authorized use.

Submitted by: Clifford T. Osborn
Licensed Illinois Commercial Broker
In Behalf of the Applicant: Timothy McLean

The Village of Westmont
Community Development Department
31 West Quincy Street
Westmont, Illinois 60559
June 3, 2016

Application for a Special Use:
Location: 138 N. Cass Avenue
Westmont, Illinois 60559

Summary:

The two story brick structure located at 138-140 N. Cass Avenue, as presently configured, has two commercial spaces on the first floor and two residential apartments on the second floor. Both residential spaces are presently leased; the 140 N. Cass Avenue space was leased and occupied through December, 2015, but the store closed for lack of trade. The 138 N. Cass commercial space has been vacant since 2012, despite on-going active efforts to find a retail tenant.

The building has been owned by a knowledgeable business owner since 1994, and the ownership interest has been represented by a Trust since that time.

A family member of the Principal ownership would like to open a Business Office in the 138 space. The primary function of business activity which would take place in 138 has to do with the management of large-size residential complexes.

The switch from "retail" use to "business office" use requires a Special Use.

The attached material is submitted to the Village of Westmont to facilitate this authorized use.

Submitted by: Clifford T. Osborn
Licensed Illinois Commercial Broker
In Behalf of the Applicant: Timothy McLean

Legal Description of Structure:

Lots 1 and 2 in Block 11 in Arthur T. McIntosh and Company's Fairmont Heights in the Northeast Quarter of Section 9, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat Thereof recorded September 22, 1920 as Document 144403, in DuPage County, Illinois.

Aerial depiction of the Lot is attached.

There would be No Alteration of the exterior of the structure as presently configured.

There would be No Alteration of the interior of the structure of the 138 space. A drawing of the 138 interior is attached.

There would be No Alteration of the bucolic accoutrements of the overarching development lot: trees and shrubs currently in place would remain.

Proof of Ownership:

Attached is the December 28, 1994 Declaration of Trust establishing the "McLean Family Trust" with Donald D. McLean and Phyllis J. McLean as Co-Trustees .

Additionally, attached is a "Twenty-Year Amendment to Trust Agreement" Signed by Donald D. McLean and Phyllis J. McLean, Dated June 6, 2014, Co-Signed by Trust Office Personnel of the Itasca Bank and Trust Company, as Trustee.

There is No Alteration proposed for any exterior building signage. It is likely that new signage would be applied to the Cass Avenue window-front naming the new business venture located in the 138 facility.

No traffic impact study has been conducted.

Statement of Zoning Ordinance standards and conditions compliance is attached.

Stamped envelopes addressed to all property owners located within 250 feet of the subject property are hereby submitted based on a list of said property owners compiled by the office of the Downers Grove Township Assessor.
The List is attached.

No annexation of property into the borders of the Village of Westmont is required.

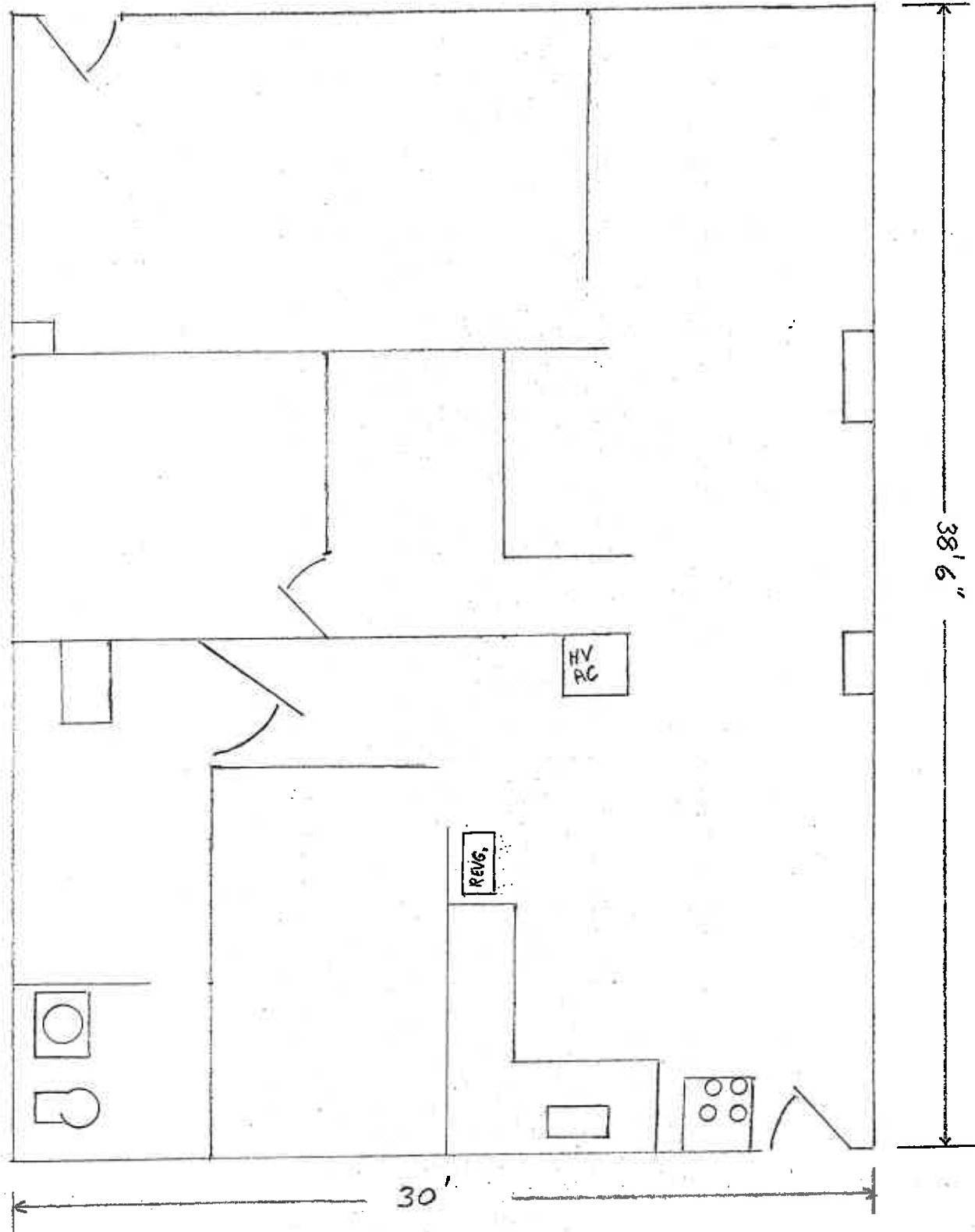
SPECIAL USE STANDARDS

- 1) The applicant is proposing to operate an office space for a business serving the general housing market as a manager of facilities. It is important that the office space be friendly, welcoming and attractive for the conduct of the proposed business. The applicant will have a minimal amount of, but important, face-to-face contact with those who will employ his services and, further, with those who occupy the residential facilities under management. The requested office space will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
- 2) The special use requested will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
- 3) The request is to substitute an office space for a retail space. Such a special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- 4) Since there is no alteration of the physical space involved, there can be no change in the already adequate utilities, access ways, drainage and/or other necessary facilities attendant to the building structure.
- 5) The building has a substantial parking lot at the rear, and Cass Avenue (itself) provides adequate curb parking to support any individuals coming to do business at the proposed office space. New hires to work in the facility will be minimal and will not put any additional burden upon any public parking, and will easily be accommodated within the confines of the wholly owned rear parking lot.
- 6) This special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

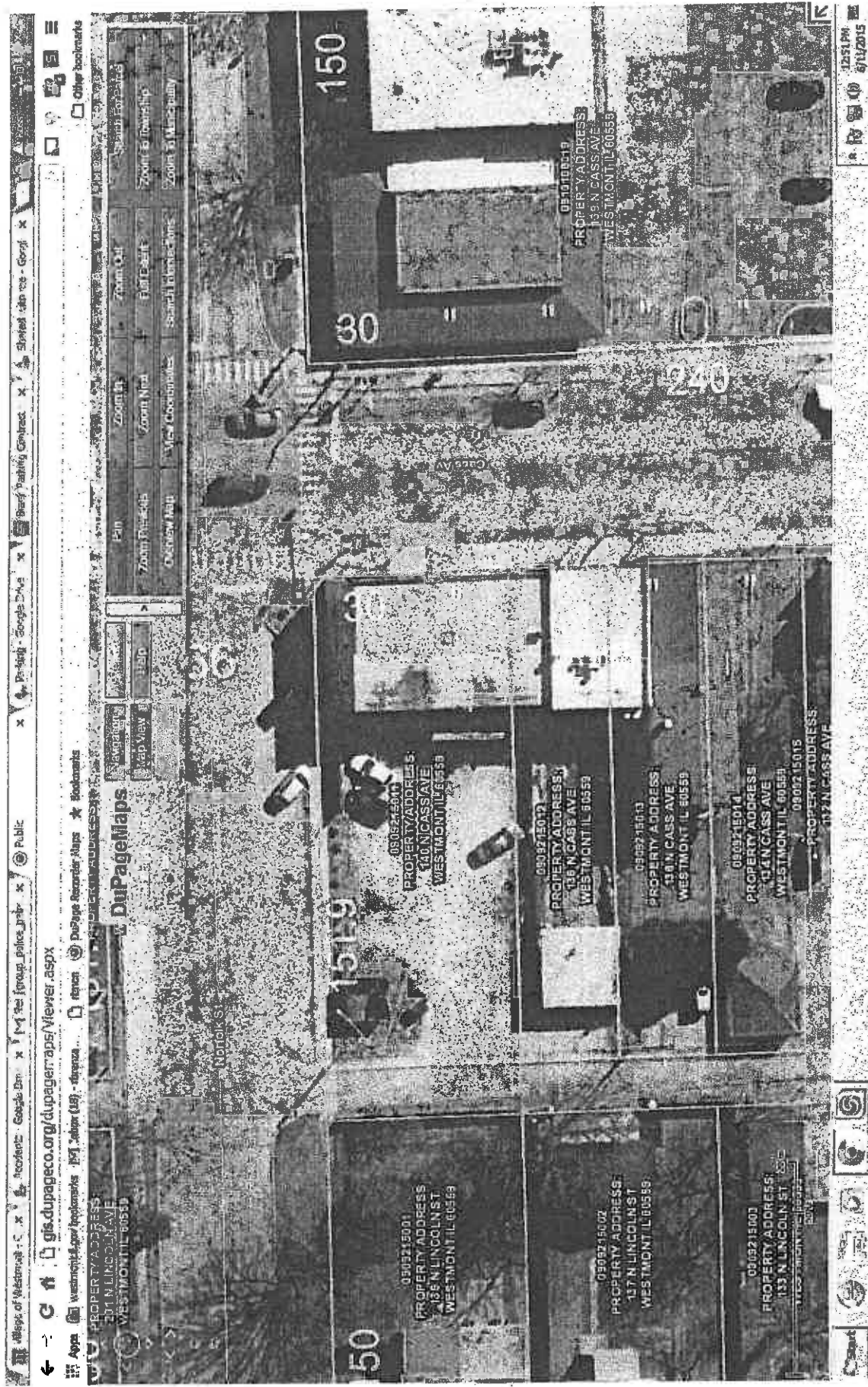
Respectfully submitted by Clifford T. Osborn, Licensed Commercial Real Estate Broker (Illinois), on behalf of Tim McLean, son of the property owner Donald D. McLean and Beneficial owner of the controlling Trust (along with Phyllis J. McLean, his wife, and mother of Tim McLean).

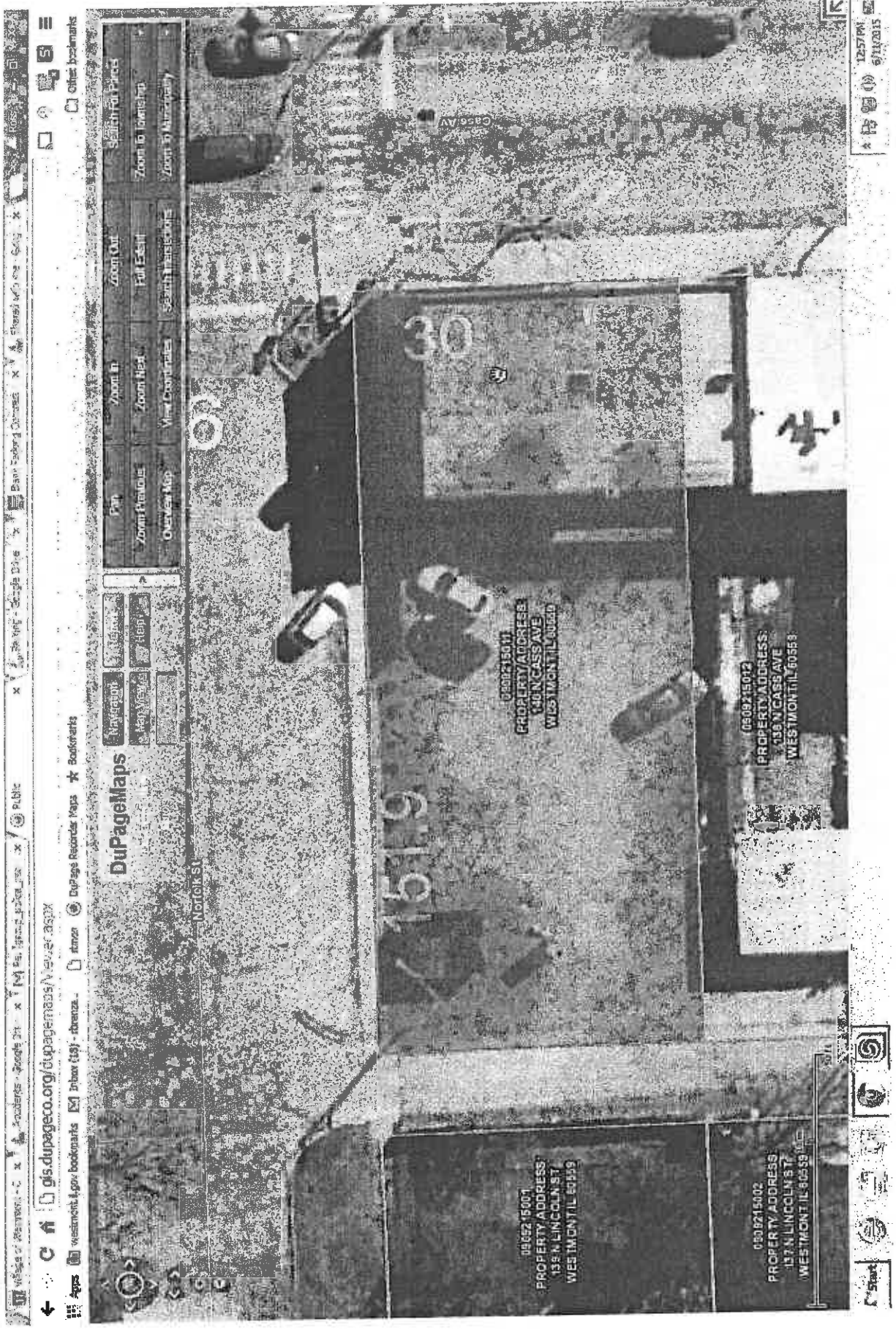


CASS AVE.



138 – 140 N Cass Ave





VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF JULY 13, 2016

P/Z 16-015: McLean Family Trust, regarding 138 North Cass Avenue, Westmont

Request for a special use to allow a ground floor business office in the B-1 Limited Business District.

CRITERIA NO. 1: That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

FINDINGS OF FACT: The proposed office space is wholly enclosed, and the proposed office use will not emit adverse noise, light or odors, and instead will be a passive small office use.

CRITERIA NO. 2: That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

FINDINGS OF FACT: The proposed use in an existing building is a passive office use that is wholly enclosed and with sufficient off-street parking. As such, it will not adversely impact surrounding properties or impair property values.

CRITERIA NO. 3: That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

FINDINGS OF FACT: Surrounding property is fully-developed, and the Applicant is proposing to occupy space in an existing building. This occupancy will not impact the ability of surrounding properties to redevelop.

CRITERIA NO. 4: That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.

FINDINGS OF FACT: The property is already served by adequate utilities, off-street parking and other necessary facilities.

CRITERIA NO. 5: *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

FINDINGS OF FACT: The property contains sufficient off-street parking. There is additional public parking in the immediate area and the property is served by public sidewalks in the Central Business District.

CRITERIA NO. 6: *That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.*

FINDINGS OF FACT: No zoning variances are being requested, and the proposed use meets all other code and ordinance requirements of the Village.

 7 The Planning and Zoning Commission agrees with the above findings.

 0 The Planning and Zoning Commission does not agree with the above findings.